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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/717,273

11/19/2003

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EXAMINER

OCHOA, JUAN CARLOS

ART UNIT

PAPER NUMBER

2123

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DELIVERY MODE

07/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/717,273	Applicant(s) WAN ET AL.	
	Examiner JUAN C. OCHOA	Art Unit 2123	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 July 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: 9,10,19 and 20.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-8,11-18 and 21-30.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Paul L Rodriguez/
 Supervisory Patent Examiner, Art Unit 2123

/J. C. O./
 Examiner, Art Unit 2123

Continuation of 11. does NOT place the application in condition for allowance because: Regarding the claim objections of claims 7, 17, and 27, the amendment corrected all deficiencies and the objections of claims 7, 17, and 27 are withdrawn.

Regarding the claim objections of claims 6, 16, and 26; Applicant's arguments have been considered and the objections of claims 6, 16, and 26 are withdrawn.

Regarding the rejections under 112 second paragraph of claims 11 and 21, deficiencies remain. Examiner apologizes. The Final Rejection read "measuring the distance between the first element and the second element; and storing a wall thickness, the wall thickness corresponding to the measured distance", rejection should read: "measuring the distance between the first element and the second element; and storing the measured distance".

Regarding the rejection under 102. Applicant's arguments have been considered, but they are not persuasive.

Applicant argues, (see page 12, 2nd and 3rd paragraphs), that Onodera fails to teach an "internal" body "topology" and "traversing the internal body topology to identify a second element in a second wall side of the graphic model".

As pointed out in the final rejection (see paragraph 11), Examiner interprets "internal topology" as internal-surface model data, because "internal topology" is not qualified or elaborated in the independent claims. Therefore it is the Examiner's position that the claim limitation "internal topology", as broadly recited, reads into the disclosures in the prior art. Examiner notes that "internal topology" is qualified in dependent claims (claims 2 and 3 for example) and that these claims stand rejected under 103.

As pointed out in the final rejection (see paragraph 11), Examiner considers "traversing" the internal body topology to identify a second element in a second wall side of the graphic model as "The face-to-face distance between the two (2) surfaces, which are registered in that pair-surfaces is calculated out ...", because "traversing" the internal body topology is not qualified or elaborated in the independent claims. i.e. "traversing" is the same as calculating a face-to-face distance. Therefore it is the Examiner's position that the claim limitation "traversing", as broadly recited, reads into the disclosures in the prior art.

Therefore it is the Examiner's position that the cited references anticipate the independent claims and the rejections are maintained.

Regarding the rejection under 103. Applicant argues, (see page 14, 2nd and 3rd paragraphs), that Onodera fails to teach "traversing the internal body topology". Applicant's arguments have been considered, but they are not persuasive, see refutation of Applicant arguments about above.